IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Original Jurisdiction

Dated: Nainital: the 24th day of June, 2005
Ist Cr. Bail Application No. 489 of 2005

Order on the Bail Application of accused:

CRIMINAL SIDE

Babboo Dhuna
S/o Mehandi Hasan,
R/o Kasampur Garhi
P.S. Afzalgarh
District Bijnor ..... Applicant

Versus

State of Uttaranchal ..... Opposite Party

Arising out of Crime No. 565 of 2004
Under Sections: 395, 397, 412, of I.P.C.
Police Station: Jaspur
District: Udham Singh Nagar

Hon'ble J.C.S. Rawat, J.

Heard Mr. Jagdish Prasad, learned counsel for the applicant and learned Asstt. Government Advocate and perused the record.

It was contended by learned counsel for the applicant that the other co-accused have been released on bail. It was also contended that undisputedly the applicant belongs to the district Bijnor and if a dacoity has been committed at Jaspur why a person will go to Jaspur after a lapse of 40 days to dispose of the looted goods. It was contended on behalf of the applicant that the recovery memo prepared by the police was a joint recovery memo. It was further contended that at the time of the recovery the complainant was also there which itself creates a doubt. Learned A.G.A. refuted the contentions made on behalf of the applicant. I have perused the entire case diary. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant namely, Babboo Dhuna be released on bail on his executing a personal bond with two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(**J.C.S. Rawat, J.)**

Dt. 24.06.2006
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